

Comments on

WT Docket No. 13-240

CBG's Office of Native Affairs and Policy and WTB Release Scoping Document to Initiate Tribal Consultation on a Proposed Program Comment to Govern Review of Positive Train Control Facilities Under Section 106 of the National Historic Preservation Act

**Submitted by Lisa C. Baker, Acting Tribal Historic Preservation Officer
United Keetoowah Band of Cherokee Indians in Oklahoma**

November 14, 2013

The United Keetoowah Band of Cherokee Indians in Oklahoma (UKB), federally recognized under the Oklahoma Indian Welfare Act (OIWA), with headquarters in Tahlequah, Oklahoma, respectfully submits the following comments in regards to the issue of and the WTB Public Notice and WTB Scoping Document.

Statement

The UKB area in Oklahoma consists of all of and portions on 14 counties in Northeastern Oklahoma. Our area of historic interest in addition to our current area include all of or parts of 12 states mainly in the Southeastern United States which were ceded by Treaties with the United States government by the Cherokees. Our complete list of states and counties of interest is attached as Appendix 1.

The present area was assigned to the Cherokee people by Treaty, and then allotted to Cherokees immediately before Oklahoma Statehood. Preceding allotment and statehood, certain agreements were made to Railroads for easements in establishing a majority of the current railways. There was much controversy and activity concerning this in the 1800's. These lines have never had any archeological study or given an opportunity for comment up until this time. It is very important for the UKB to be able to review these sites under Section 106 of the NHPA, as with any FCC permitted project, prior to any ground disturbance or construction.

Regarding the lands in the Southeast, the UKB also wishes to review these sites as any other site under Section 106 of the NHPA.

Recommendations

It is desirous of the UKB to determine the approximate number of towers that may be submitted in our area of historic interest. Due to the number of staff who are responsible for reviewing all Section 106 projects in 13 states, it is imperative that we have an estimate of the additional workload in order to plan for methods to complete reviews within the amount of time allowed by Federal law and Programmatic Agreement.

It would also be helpful to the UKB for site submissions to be submitted in a format that would batch sites by consultant, and by county.

Submitted electronically,

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